

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

RSA.No. 386 of 2004()

AS.132/2003 of III ADDL. DISTRICT COURT, THRISSUR
OS.153/1996 of MUNSIF COURT, KODUNGALLUR
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APPELLANT/APPELLANT/PLAINTIFF

APPU, AGED 65 YEARS, S/O.MANAKATTUPADI
KITTUNNI, KATHIYALAM DESOM, EDAVILANGU VILLAGE,
KODUNGALLUR TALUK.

BY ADV. SRI.K.S.BHARATHAN

RESPONDENTS: RESPONDENTS/IST & 4TH DEFENDANTS/ LEGAL HEIRS

1. VELAYUDHAN, S/O. THUMBARAPILLY
KORUKUTTY, KATHIYALAM DESOM, EDAVILANGU VILLAGE,
KODUNGALLORE TALUK.
2. AKBAR, S/O.CHALINGAT MUHAMMED,
EDAVILANGU VILLAGE, KATHIYALAM DESOM,
KODUNGALLORE TALUK.
3. BHARATHI, W/O.LATE T.K.SUKUMARAN,
THUMBARAPPILLY HOUSE, KATHIYALAM DESOM,
EDAVILANGU VILLAGE, KODUNGALLORE TALUK.
4. SHYLAJA, D/O. 3RD RESPONDENT,
BHARATHI, THUMBRAPPILLY HOUSE, EDAVILANGU
VILLAGE, KODUNGALLORE TALUK.
5. SINDHU, D/O. A3RD RESPONDENT BHARATHI,
THUMBARAPPILLY HOUSE, EDAVILANGU VILLAGE,
KODUNGALLOOR TALUK.
6. THRIVENI, D/O. 3RD RESPONDENT,
THUYMBRAPPILLY HOUSE, EDAVILANGU VILLAGE,
KODUNGALLOOR TALUK.
7. KUNJIBEEVATHU, W/O.LATE CHALINGAT MUHAMMED,
EDAVILANGU VILLAGE,
KATHIYALAM DESOM, KODUNGALLOOR TALUK.
8. REHIM, S/O.LATE CHALINGAT MUHAMMED,
KATHIYALAM DESOM, KODUNGALLOOR TALUK.

9. DAINA, D/O.LATE CHALINGAT MUHAMMED,EDAVILANGU VILLAGE,
KATHIYALAM DESOM, KODUNGALLOOR TALUK.
10. KADEEJA, D/O.LATE CHALINGAT MUHAMMED,
KATHIYALAM DESOM, KODUNGALLOOR TALUK.

BY ADV. SRI.P.M.MOHAMMED SHIRAZ
SRI.RENJITH THAMPAN FOR R9 AND R10
SMT.P.A.ANITHA

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD
ON 16/01/2007,THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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R.S.A.No. 386 Of 2004

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Dated this the 16th day of January, 2007.

JUDGMENT

Learned counsel for respondents 2,7,9 & 10 had filed a memo on 29.8.06, stating that the sole appellant died on 21.02.06. This is on record. None impleaded to represent the estate of the appellant. Hence this appeal is abated.

This is recorded and the appeal is closed.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

SJ